

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

ADJUSTACAM LLC  
*Plaintiff*

v.

AMAZON.COM, INC. *et al.*,  
*Defendants*

Case No. 6:10-cv-329-LED

**NEWEGG INC., NEWEGG.COM INC. AND ROSEWILL INC.'S UNOPPOSED  
MOTION TO CORRECT CLERICAL/TYPOGRAPHICAL ERROR IN ORDER**

Defendants Newegg Inc., Newegg.com Inc. and Rosewill Inc. (the “Newegg Defendants”) respectfully submit this unopposed motion to correct a typographical error in the Court’s order dated November 8, 2012 (Dkt. 737), in order to clarify that the deadline to file their reply in support of the motion for declaration of exceptional case is November 26, 2012, as opposed to November 21, 2012.

On October 10, 2012, the Newegg Defendants filed their Sealed Motion for Declaration of Exceptional Case and Award of Fees and Nontaxable Expenses (Dkt. 727). Plaintiff AdjustaCam LLC (“AdjustaCam”) requested, and the Newegg Defendants agreed, subject to the Court’s approval, to extend the deadline for AdjustaCam to file its response to the motion to November 7, 2012. The parties also agreed to extend the deadline for the Newegg Defendants to file their reply in support of the motion to November 26, 2012, again subject to the Court’s approval.

AdjustaCam’s November 5, 2012 unopposed motion for extension of time (Dkt. 734) correctly identified the agreed-upon dates. The first paragraph of the proposed order (Dkt. 734-1) correctly identified the agreed-upon dates, including the agreed deadline (November 26) for the Newegg Defendants to file their reply. However, the second paragraph of the proposed order

contained the following typographical error: “ORDERED that ... the due date for Defendants’ reply shall be extended up to and including November 21, 2012.” (Dkt. 734-1). (emphasis added).

On November 8, 2012, the Court entered its Order granting AdjustaCam’s unopposed motion. (Dkt. 737). Like the proposed order, the Court’s signed Order included the correct agreed-upon deadline for the Newegg Defendants to submit their reply (November 26) in the first paragraph but an incorrect and inconsistent date (November 21) in the second paragraph.

Good cause supports granting this motion to correct an inadvertent clerical error and to clarify the record and provide certainty concerning the parties’ deadlines.

Dated this 13th day of November, 2012.

PARSONS BEHLE & LATIMER

By /s/ Dana M. Herberholz

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Newegg Inc., Newegg.com Inc., and Rosewill, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that all counsel of record who are deemed to have consented to electronic service are being served this 13th day of November, 2012, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served by electronic mail, facsimile transmission, and/or first class mail on this same date.

/s/ Dana M. Herberholz  
Dana M. Herberholz

CERTIFICATE OF CONFERENCE

The undersigned certifies that the parties have met and conferred in accordance with LR CV-7(a)(3), and this motion is unopposed.

/s/ Dana M. Herberholz  
Dana M. Herberholz

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